

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTHERN CALIFORNIA (SAN FRANCISCO)

Form 1. Notice of Appeal from a Judgment or Order of a United States District Court

U.S. District Court case number: 3:20-CV-09247-SI

Notice is hereby given that the appellant(s) listed below hereby appeal(s) to the United States Court of Appeals for the Ninth Circuit.

Date case was first filed in U.S. District Court: 12/21/2020

Date of judgment or order you are appealing: 07/07/2022

Docket entry number of judgment or order you are appealing: 385 (See Attachment A)

Fee paid for appeal? (*appeal fees are paid at the U.S. District Court*)

Yes No IFP was granted by U.S. District Court

List all Appellants (*List each party filing the appeal. Do not use "et al." or other abbreviations.*)

Anantha Srirama

Is this a cross-appeal? Yes No

If yes, what is the first appeal case number?

Was there a previous appeal in this case? Yes No

If yes, what is the prior appeal case number?

Your mailing address (if pro se):

Figure 1. (Continued)

City: State: Zip Code:

Signature /s/ Patrick M. Costello **Date** 08/04/2022

Complete and file with the attached representation statement in the U.S. District Court.

Feedback or questions about this form? Email us at forms@ao9.uscourts.gov

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
Form 6. Representation Statement

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form06instructions.pdf>

Appellant(s) (List **each** party filing the appeal, do not use "et al." or other abbreviations.)

Name(s) of party/parties:

Anantha Srirama

Name(s) of counsel (if any):

Patrick M. Costello, Esq.
Vectis Law

Address: 1900 S. Norfolk Street, Suite 350, San Mateo, CA 94403

Telephone number(s): 650-320-1688

Email(s): pcostello@vectislawgroup.com

Is counsel registered for Electronic Filing in the 9th Circuit? Yes No

Appellee(s) (List only the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.)

Name(s) of party/parties:

David Stapleton, Receiver

Name(s) of counsel (if any):

Kyra E. Andrassy, Esq.
Smiley Wang-Ekvall, LLP

Address: 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626

Telephone number(s): 714-445-1000

Email(s): kandrassy@swelawfirm.com

To list additional parties and/or counsel, use next page.

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Continued list of parties and counsel: (*attach additional pages as necessary*)

Appellants

Name(s) of party/parties:

Name(s) of counsel (if any):

Address:

Telephone number(s):

Email(s):

Is counsel registered for Electronic Filing in the 9th Circuit? Yes No

Appellees

Name(s) of party/parties:

Acres Loan Origination, LLC

Name(s) of counsel (if any):

H. Mark Mersel

Address:
1920 Main Street, Suite 1000, Irvine, CA 92614

Telephone number(s):
949-223-7000

Email(s):
mark.mersel@bclplaw.com

Name(s) of party/parties:

Name(s) of counsel (if any):

Address:

Telephone number(s):

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Attachment A to Notice of Appeal

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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **SECURITIES AND EXCHANGE
16 COMMISSION,**

17 Case No. 3:20-cv-09247-SI

18 **~~PROPOSED~~ ORDER GRANTING
19 MOTION OF RECEIVER, DAVID
20 STAPLETON, FOR ORDER REJECTING
21 CERTAIN PURCHASE AND SALE
22 AGREEMENTS**

23 Date: June 17, 2022
24 Time: 10:00 a.m.
25 Crtrm.: 1 – 17th Floor (hearing via Zoom)
26 Judge: Susan Illston

27 v.
28 **SILICONSAGE BUILDERS, LLC aka
29 SILICON SAGE BUILDERS and
30 SANJEEV ACHARYA,**

31 Defendants.

32 At the above date and time, the Court held a hearing on the *Motion of Receiver,*
33 *David Stapleton, for Order Rejecting Certain Purchase and Sale Agreements* (the
34 "Motion"). Appearances were as noted on the record. For the reasons urged in the
35 Motion and stated on the record and the Court having found that the Receiver is
36 exercising his business judgment,

37 **IT IS ORDERED AS FOLLOWS:**

38 (1) The Motion is granted;
39 (2) The Receiver is authorized to reject the purchase agreements for the
40 following units effective upon entry of this Order:

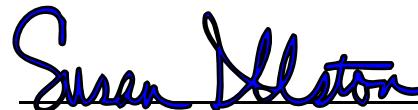
Party to Purchase Agreement(s)	Units Under Contract
Sangeeth and Sindhu Peruri Living Trust Dated November 5, 2009	202, 216, 410, 424, and 530 at Osgood
Sangeeth and Sindhu Peruri Living Trust Dated November 5, 2009	218, 415, 428, 504 and 511 at Osgood
Anantha Srirama	232 at Osgood
Anantha Srirama Marwan Hassan Naboulsi	205 at Almaden 222 and 423 at Almaden
Ravi Jagannathan	206 at Almaden

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11 (3) Paragraphs 5 and 6 of the *Further Amended Order Granting Motion of*
 12 *Receiver, David Stapleton, for Order: (1) Approving Construction Funding Agreement*
 13 *with Acres Capital; (2) Authorizing Employment of Special Real Estate Counsel; (3)*
 14 *Approving the Form of the Condominium Purchase Agreement and Authorizing the Sale*
 15 *of Those Units Free and Clear of Liens* [Document 274] (the "Amended Order") are
 16 modified to provide that for each project, after Acres Loan Origination is paid in full as
 17 required by the Amended Order and the Construction Funding Agreement it approved, as
 18 amended, the Receiver will hold the remaining net proceeds in escrow or a segregated
 19 account subject to all liens, claims, and encumbrances, pending a further Court order
 20 regarding the validity and priority of the liens, claims, and encumbrances and the
 21 disposition of the proceeds; and

22 (4) To the extent necessary, the *Order on Plaintiff Securities and Exchange*
 23 *Commission's Motion for Appointment of Receiver* is modified to permit the purchasers
 24 whose contracts are being rejected to seek recovery from any bonding company that
 25 posted a bond that permitted the release of deposits to Osgood or Almaden prior to the
 26 close of escrow, with all parties reserving all rights and defenses with respect to any such
 27 claims.

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2 Dated: July 7, 2022
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SUSAN ILLSTON
United States District Judge

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